

REMARKS

Applicants have canceled all Claims except currently amended Claim 11. No new matter has been added. No additional claims fee is believed to be due. Applicants reserve the right to prosecute the originally filed claims in the future.

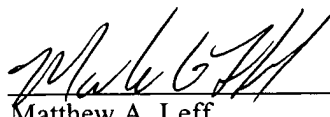
Examiner has rejected Claims 1-4, 7, 11, 15 and 38 under 35 USC 112, first paragraph, because the specification fails to reasonably provide enablement for the treatment of cancers with a selective inhibitor of Akt1 and Akt2 which is dependent on the PH domain. The Examiner cites the "In re Wands" factors. The Examiner has stated (on pages 3 and 4 of the Official Action) that "Based on the state of the art...the artisan would have only accepted that the treatment of specific types of cancer could be achieved, rather than that such an agent could have been known to treat any known cancer." The Examiner has also stated (on page 8 of the Official Action) that "The burden of enabling the treatment of all types of human cancer is much greater than that of enabling the treatment of a specific, discrete group of cancers known to, or with reasonable basis for concluding that they would, be responsive to such treatment."

Applicants have canceled all pending Claims, except currently amended Claim 11. Applicant has incorporated the limitation of dependent Claim 15 into Claim 11. Applicant has also limited Claim 11 to a specific group of cancers which include colon, prostate, colorectal, ovarian, pancreatic and breast cancer. Support for this limitation can be found in the specification on page 8, lines 31-32. Applicant believes that this specific, discrete group of cancers enables the skilled artisan to practice Applicants method.

Applicants respectfully contend that the Examiner's rejection is now moot, and that Claim 11 is allowable, and an early Notice of Allowance is earnestly solicited. If a telephonic communication with Applicant's representative will aid in the advancement of the prosecution of this application, please telephone the representative indicated below.

Respectfully submitted,

By:



Matthew A. Leff

Registration No. 50,149

Attorney for Applicants

MERCK & CO., INC.

P.O. Box 2000 - RY 60-30

Rahway, New Jersey 07065-0907

Telephone No. (732) 594-1404

Date: January 2, 2008